GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

STARRED QUESTION NO:48
ANSWERED ON:26.02.2016
Medical Negligence
Reddy Shri A.P. Jithender

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether a number of cases of medical negligence causing loss of lives and other physical disorders in various hospitals including Government hospitals, have come to the notice of the Government;

(b) if so, the details thereof indicating the number of such cases reported during each of the last three years and the current year, hospital and State/UT-wise;

(c) the rules and guidelines governing the procedure for insurance claims in cases of medical negligence along with the number of claims/cases settled during each of the last three years and the current year, insurer company-wise;

(d) whether the Government proposes to enact any law to rein in the medical negligence; and

(e) if so, the details thereof along with the details of proposals/representations, if any, received from various stakeholder regarding the need for reforms in the medical liability insurance framework in the country?

Answer

ANSWER
THE MINISTER OF HEALTH AND FAMILY WELFARE
(SHRI JAGAT PRAKASH NADDA)

(a) to (e): A statement is laid on the Table of the House

STATEMENT REFERRED TO IN REPLY TO LOK SABHA
STARRED QUESTION NO. 48* FOR 26TH FEBRUARY, 2016

(a) & (b): Since Health is a State subject, no such information is maintained centrally in respect of State Government Hospitals. However, the details of complaints of medical negligence received and action taken thereon by the AIIMS, New Delhi, PGIMER, Chandigarh, JIPMER, Puducherry and three Central Government Hospitals in Delhi viz. Safdarjung Hospital, Dr. RML Hospital and Lady Hardinge Medical College (LHMC) & Associated Hospitals, Regional Institute of Medical Sciences (RIMS), Imphal, North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences (NEIGRIHMS), Shillong and AIIMS like Institutes at Jodhpur, Rishikesh, Bhubaneswar, Bhopal, Raipur and Patna, under this Ministry, are given at Annexure I.

(c) to (e): As per information provided by Department of Financial Services, Ministry of Finance, the rules and the guidelines governing the procedure for insurance claims in cases of medical negligence are part of the policy contract. However, no centralized data in respect of number of claims made and settled is maintained by the Department of Financial Services. Medical Council of India (MCI) or the appropriate State Medical Councils have been empowered to take disciplinary action against a doctor for violation of the provisions of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002. As and when complaints are received against the violation of code of ethics for doctors (including allegation of medical negligence), such complaints are referred by MCI to the concerned State Medical Councils where the doctors/medical practitioners are registered for appropriate action. The Consumer Protection Act also covers medical negligence on the part of medical practitioners, and complaints related to medical negligence can be filed in the District/State/National Consumer Disputes Redressal Forum under the Consumer Protection Act.
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